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Total Number of Pages in This Submission

Application Number	10/631,168
Filing Date	07/31/2003
First Named Inventor	Bradley Kropp, et al.
Art Unit	1651
Examiner Name	L. Lankford, Jr.
Attorney Docket Number	5820.639

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	1. Transmittal Form (1 page);	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	2. Response To Office Communication with Exhibits A-D (61 pages); and	
	3. Postcard.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DUNLAP, CODDING & ROGERS, P.C.		
Signature			
Printed name	Kathryn L. Hester, Ph.D.		
Date	01/12/2006	Reg. No.	46,768

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Signature			
Typed or printed name	Kathryn L. Hester, Ph.D.	Date	01/12/2006


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Bradley Kropp et al.)	Atty Dkt No:	5820.639
)		
Serial No: 10/631,168)	Examiner:	L. Lankford, Jr.
)		
Filed: July 31, 2003)	Art Unit:	1651
)		
Customer No.: 30589)	Confirmation No.:	7538
)		
For: URINARY TRACT TISSUE GRAFT COMPOSITIONS AND METHODS FOR PRODUCING SAME			

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RESPONSE TO THE OFFICE COMMUNICATION

DATED DECEMBER 13, 2005

This is meant to be a complete response to the Office Communication from the Examiner dated December 13, 2005. In the Office Communication, the Examiner states the reply filed on September 22, 2005 amended the claims in such a manner as to shift the invention, and that the claims are now drawn to an invention which is independent/distinct from what was elected. Thus, the Examiner considers the September 22, 2005 response to be non-responsive.

Applicants respectfully traverse the Examiner's assertion of non-responsiveness for the reasons stated below.

In the Office Communication, the Examiner states that "bone marrow stromal cell" is independent and distinct from "adult stem cell". However, a person having ordinary skill in the art would clearly recognize that a "bone marrow stromal cell" is a specific type of "adult stem cell", and therefore the term "bone marrow stromal cell" is simply a narrower term than "adult stem cell", and not independent nor distinct from "adult stem cell". Paragraph [0024] of the Specification refers to "bone marrow stromal cells" as a type of adult stem cell.

Attached hereto as further evidence of the fact that "bone marrow stromal cells" are a specific type of "adult stem cells" are Exhibits A-D. Exhibit A is from the Stem Cell Information website from the National Institutes of Health - see, in particular, the first full paragraph on Page 7 ("adult stem cells derived ... from the bone marrow ... the bone marrow-derived cells are sometimes sorted ... into populations of hematopoietic stem cells or **bone marrow stromal cells**"). Exhibit B is an article entitled "Living Longer and Loving It!" from the Aging Research website - see, in particular, the third full paragraph on Page 2 ("a type of adult stem cell called a bone marrow stromal cell"). Exhibit C is the Fall 2003 News Archives from the American Porphyria Foundation website - see, in particular, the third full paragraph on Page 4 ("one

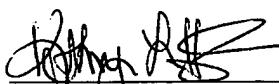
of the more versatile adult stem cells is the bone marrow stromal cell"). Exhibit D is FAQ's section from the International Society for Stem Cell Research website - see, in particular, question 7 ("Adult stem cells... can be isolated from many tissues ... however, the most common place to obtain these cells is from the bone marrow .. There are different types of stem cells found in the bone marrow, including hematopoietic stem cells, endothelial stem cells, and mesenchymal stem cells") and question 16 ("Human mesenchymal cells, or bone marrow stromal stem cells").

Therefore, Applicants respectfully submit that the claims as amended on September 22, 2005 are neither independent nor distinct from the elected invention, but rather simply contain a further limitation from the previously presented elected claims. Thus, Applicants respectfully submit that the Amendment and Response filed on September 22, 2005 is completely responsive to the Office Action mailed May 10, 2005.

Applicants respectfully request reconsideration and withdrawal of the Office Communication mailed December 13, 2005.

Should the Examiner have any questions regarding this response, or the Remarks contained herein, Applicants' representative would welcome the opportunity to telephonically discuss the same with the Examiner.

Respectfully submitted,



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